



DAVID F. FRENCH
AND HIS WIFE,

PLAINTIFFS

V.

MYRTLE SIGLER
AND OTHERS,

DEFENDANTS

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NO. 742 E CIVIL

IN THE

CIRCUIT COURT

FOR

FREDERICK COUNTY,

MARYLAND

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PLAINTIFFS' STATEMENT OF POINTS AND AUTHORITIES

The recent case of Boucher, et ux. v. Boyer, et al., 302 Md 679, (1984), sets forth the Maryland law governing implied easements. In that case, the owners of two lots binding on a street instituted a declaratory judgment action against owners of another lot abutting the street, urging the trial court to declare them the fee simple owners of the street and requesting the owners of the third lot to be permanently enjoined from using the street. The trial court granted the relief requested and declared that the owners of the first two lots were each fee simple owners of one-half of the street and that the owners of the third lot had no easement over such street. The owners of the third lot appealed and the Court of Appeals granted certiorari prior to decision by the Court of Special Appeals.

The decision of the trial court was reversed and at the outset of its opinion, the Court of Appeals explained the issue which it was deciding, said issue being substantially similar to that involved in this case.